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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

philosophy, inc.,

Plaintiff,

vs.

HoneyC,

Defendant.

No. CV-08-189-PHX-DGC

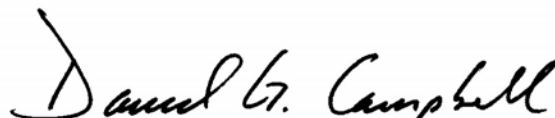
ORDER

Plaintiff has filed a motion for default judgment. Dkt. #11. Rule 55 of the Federal Rules of Civil Procedure governs the entry of default judgment. Obtaining default judgment under Rule 55 is a two-step process. First, the Clerk must enter the non-appearing party's default under Rule 55(a). Once the party's default has been entered, either the Clerk or the Court enters default judgment under Rule 55(b). *See* Fed. R. Civ. P. 55; *Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986) (discussing two-step process under Rule 55).

In this case, the Clerk has not entered Defendant's default under Rule 55(a). The Court accordingly will deny Plaintiff's motion for default judgment without prejudice.

IT IS ORDERED that Plaintiff's motion for default judgment (Dkt. #11) is **denied** without prejudice.

DATED this 6th day of August, 2008.



David G. Campbell
United States District Judge